

Chapter 13.16

STORM DRAIN SYSTEM

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13.16.010 Definitions.

A. As used in this chapter:

"Service" means connection to the municipal storm drain system and the right to the use of its facilities whether or not the facilities are in fact used.

"User" means the owner, lessee, or occupant of the premises connected to the storm drain system.

B. Other Definitions. The definitions set forth in Chapter 13.08 shall apply to this chapter unless specified otherwise. (Ord. 390 § 1, 2002: prior code § 8.0601)

13.16.020 Use of municipal storm drain required.

A. The owner of every residence, business or industrial building in the city abutting upon any street or alley in which storm drains are maintained, shall at his or her own expense install a sewer to dispose of all unpolluted water from the premises and connect it with the public sewer within thirty (30) days after notice to do so. If such owner fails to provide for the installation of such storm drain after notice to do so, the city shall

provide for the installation of such storm drain and charge the cost against the property as a special assessment.

B. If the city council determines a storm drain is not available under subsection A of this section, the storm drain shall be connected to a private disposal system complying with other ordinances of the city and with all requirements of the South Dakota Department of Water and Natural Resources. At such time as a storm drain becomes available to the property, the private storm drain shall be connected to it and use of any private disposal facility shall cease.

C. The city adopts the State Plumbing Code to govern the construction of utility systems on private property. All construction of private storm drain facilities and sewer facilities located in public right-of-way shall be in accordance with these specifications, which by this reference are made a part hereof as though fully set forth herein.

D. Before commencement of construction of a private storm drain system the owner(s) shall first obtain a written permit from the city planning and zoning commission. The application for such permit shall include plans, specifications, and other information as are deemed necessary by the city. A permit and inspection fee of two hundred fifty dollars (\$250.00) shall be paid to the city at the time the application is filed.

E. A permit for private storm drain disposal system shall not become effective until the installation is completed to the satisfaction of the city. The city shall be allowed to inspect the

work at any stage of construction, and, in any event, the applicant for the permit shall notify the city when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the city.

F. The type, capacity, location, and layout of a private storm drain disposal system shall comply with all recommendations of the Department of Public Health and the state of South Dakota.

G. The owner(s) shall operate and maintain the private storm drain disposal facilities in a sanitary manner at all times, at no expense to the city. (Ord. 390 § 2, 2002: prior code § 8.0602)

13.16.030 Service charges.

Connections to the storm drain system must be reviewed by the city to determine if adequate capacity exists for the additional drainage. If the city determines that adequate capacity exists for the requested storm drain connection the city will issue a permit for connection. Connections to the industrial park storm sewer system shall be charged a connection fee of four thousand five hundred seventy-one dollars and twenty-eight cents (\$4,571.28) per acre of the area to be added. The connection fee shall be paid prior to the receipt of the permit to construct the connection. (Ord. 390 § 3, 2002: prior code § 8.0603)

13.16.040 Use of the public sewers.

A. No person shall discharge or cause to be discharged any polluted waste

waters into any storm drain.

B. Stormwater and all other unpolluted drainage shall be discharged into storm drain, or into a natural outlet approved by the city. Industrial cooling water or unpolluted process waters may be discharged into a storm drain or natural outlet; such discharges must have a discharge permit issued by the state of South Dakota.

C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any storm drain.

1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity to either singly or by interaction with other wastes, injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create a hazard in the receiving stream. (Ord. 390 § 4, 2002: prior code § 8.0604)

13.16.050 Other provisions.

A. Any duty or authority herein imposed on or given to the city may be performed and exercised by any employee of the city, which resolution shall specify the duties and authority of the employee.

B. The city shall be permitted to enter any property, other than residences, at any time, and residences at such reasonable times for the purpose of inspection, observation, setup and use of monitoring equipment, sampling, testing or inspecting and copying records in

accordance with the provisions of this chapter; provided, that:

1. If such property is occupied he or she shall first present proper credentials to the occupant and request entry, explaining his or her reasons therefore; and

2. If such property is unoccupied he or she shall first make a reasonable effort to locate the owner of such property and request entry, explaining his or her reason therefore.

C. If such entry is refused or cannot be obtained because the owner of such property cannot be found after due diligence, the city shall have recourse to every remedy provided by law to secure lawful entry for the above stated purposes.

D. Notwithstanding the foregoing, if the city has reasonable cause to believe that waters or wastes of the types referred to herein are being discharged from any property into a public sewer or natural outlet, and has reasonable cause to believe that such discharge is so dangerous, hazardous or unsafe as to require immediate inspection to safeguard the public health and safety, he or she shall have the right to immediately enter and inspect such property, and may use any reasonable means required to effect such entry and make such inspection, whether such property is occupied or unoccupied and whether or not permission to inspect has been obtained. If the property is occupied, he or she shall first present the proper credentials to the occupant and demand entry, explaining his or her reasons therefore and the purpose of his or her inspection. No person shall fail or

refuse, after proper demand has been made upon him or her, as provided in this subsection, to promptly permit the city to make any inspection provided for by this subsection.

E. Each industrial user shall, upon request of the city, furnish the city with information regarding the number of units processed in a stated period and the number of units of finished product produced in the same period.

F. Nothing in this chapter shall contractually bind the city.

G. Utility services extended to real property by the city shall be terminated for the following reasons:

1. For tampering with equipment furnished and owned by the city;

2. For violation of or noncompliance with ordinances regulating utility services;

3. For failure of the customer to fulfill his or her contractual obligations for utility services provided by the city;

4. For failure of the customer to give the city reasonable access to its equipment;

5. For failure of the customer to furnish such service equipment, permits, certificates or rights-of-way, as shall have been specified by the city as a condition to obtaining service, or in the event such equipment permissions are withdrawn or terminated;

6. For nonpayment of utility fees;

7. For payment of a utility bill with a check or other instrument which is dishonored by the paying organization.

H. Utility service shall be terminated by the city without notice to the customer for the following reasons:

1. For a condition determined by the city to be unreasonably hazardous or which endangers the health or welfare of persons;

2. For customer use of his or her equipment in such a manner as to adversely affect the utility's equipment or the utility's service to others;

3. When the city has discovered clear and convincing evidence that by fraudulent means a customer has obtained unauthorized sewer service.

I. All other ordinances, resolution or motions or parts thereof in conflict herewith are repealed. The invalidity of any section, clause, sentence, or provision of this chapter shall not affect the validity of any other part of this chapter that can be given effect without such invalid part or parts. (Ord. 390 § 5, 2002: prior code § 8.0605)

13.16.060 Violations--Penalties.

A. Violation of any of the provisions of the sections of this chapter shall be punishable by a fine not in excess of Five Hundred Dollars (\$500.00). Conviction shall not preclude civil liability to the city for any damage caused the city by the illegal act.

B. No unauthorized person shall maliciously or willfully break, damage, or tamper with any water meter or any structure, appurtenance or equipment that is a part of the municipal sanitary sewer. Any violator shall be punished by a fine not exceeding Five Hundred dollars (\$500.00).

1. Single Offense. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement

of any of the provisions of this chapter shall be deemed guilty of a violation of this chapter and upon conviction thereof shall be fined not more than Five Hundred dollars (\$500.00) for each offense. Each separate provision of this chapter violated shall constitute a separate offense.

2. Multiple Offenses. Each day that the violation is permitted to exist after notification in writing by the city and the expiration of the time designated for correction in the aforesaid notification shall constitute a separate offense. No person, firm or corporation shall be deemed guilty of multiple offenses of this chapter until receipt of the aforesaid notice and expiration of the time designated therein, however, receipt of such notice is not a prerequisite to prosecution for single offenses as set forth herein.

3. Civil Actions. In case any person, firm or corporation violates any of the provisions of this chapter, the city council, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful act or to restrain, correct or abate such violation.

4. Nuisance Abatement. Any construction or unlawful discharge of sanitary sewage into a public sewer in violation of any of the provisions of this chapter or the requirements thereof, is declared to be a common nuisance and such common nuisance may be abated in such manner as nuisances are now or may hereafter be abated under existing law.

5. No person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with

**any structure, appurtenance or
equipment which is part of the public
sewer facilities. Any person(s) violating
this provision shall be subject to
immediate arrest under charge of
disorderly conduct. (Ord. 390 § 6, 2002:
prior code § 8.0606) (Amended 2007)**